

Filed for intro on 03/16/95  
House Bill \_\_\_\_\_  
By \_\_\_\_\_

Senate No. SB1837  
By O'Brien

AN ACT to amend the charter of the City of Oneida, being by Chapter 562 of the Private Acts of 1923, as amended by Chapter 148 of the Private Acts of 1925, as amended by Chapter 691 of the Private Acts of 1951, as amended by Chapter 163 of the Private Acts of 1955, as amended by Chapter 110 of the Private Acts of 1973, as amended by Chapters 161 and 172 of the Private Acts of 1981, as amended by Chapters 87 and 88 of the Private Acts of 1983, as amended by Chapter 54 of the Private Acts of 1985, as amended by Chapter 150 of the Private Acts of 1986, as amended by Chapter 176 of the Private Acts of 1990, as amended by Chapter 56 of the Private Acts of 1993, and all other acts amendatory thereto, relative to the election, powers and duties of the corporate officers of the City of Oneida.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 211 of the Private Acts of 1917, as amended by Chapter 562 of the Private Acts of 1923, as amended by Chapter 148 of the Private Acts of 1925, as amended by Chapter 691 of the Private Acts of 1951, as amended by Chapter 163 of the Private Acts of 1955, as amended by Chapter 110 of the Private Acts of 1973, as amended by Chapters 161 and 172 of the Private Acts of 1981, as amended by Chapters 87 and 88 of the Private Acts of 1983, as amended by Chapter 54 of the Private Acts of 1985, as amended by Chapter 150 of

the Private Acts of 1986, as amended by Chapter 176 of the Private Acts of 1990, as amended by Chapter 56 of the Private Acts of 1993, and all other acts amendatory thereto, is amended by deleting Section 3 in its entirety and by substituting instead the following new Section 3:

Section 3. Be it further enacted, that the corporate officers of the Town of Oneida shall be a mayor, four (4) aldermen, a recorder-treasurer, and a chief of police. The mayor and aldermen shall each be elected by popular vote as hereinafter provided in this charter. The recorder-treasurer and chief of police shall be elected by the mayor and board of aldermen for a full term of four (4) years, or until their successors are elected and qualified.

SECTION 2. Chapter 211 of the Private Acts of 1917, as amended, is further amended by deleting the first and second paragraphs of Section 4 in their entirety and by substituting instead the following new paragraph:

Section 4. Be it further enacted, that under the general election laws of the state of Tennessee the election commissioners for Scott County shall call an election in the Town of Oneida on the first Saturday in November, 1995, and each and every four (4) years thereafter, to elect a mayor and four (4) aldermen who shall hold their offices for a term of four (4) years, or until their successors are elected and qualified. The person receiving the highest number of votes for the office of mayor shall be declared the mayor of Oneida, and the four (4) persons receiving the highest number of votes for aldermen shall be declared aldermen of Oneida.

SECTION 3. Chapter 211 of the Private Acts of 1917, as amended, is further amended by deleting in its entirety the fourth paragraph of Section 4 which begins "The office of Recorder and Treasurer" and by substituting instead the following new fourth paragraph:

The recorder-treasurer and chief of police shall be elected by the Board of Mayor and Aldermen. They shall hold their offices for a term of four (4) years, or until their successors are elected and qualified. The salary of the mayor, aldermen, recorder-treasurer and chief of police shall be fixed by ordinance.

SECTION 4. Chapter 211 of the Private Acts of 1917, as amended, is further amended in the fifth paragraph of Section 4 which begins "Provided further, that the said Mayor and Board of Aldermen are hereby vested," by deleting the words and punctuation "except the Justice of the Peace herein provided for,".

SECTION 5. Chapter 211 of the Private Acts of 1917, as amended, is further amended in the sixth paragraph of Section 4 which begins "In the event of any vacancy," by deleting the language and punctuation "except the office of Justice of the Peace," and by deleting in its entirety the last sentence, which reads: "In the event of a vacancy in the office of the Justice of the Peace, the same shall be filled as now provided for by law, for such office.".

SECTION 6. Chapter 211 of the Private Acts of 1917, as amended, is further amended in the seventh paragraph of Section 4 which begins "All of said officers aforesaid" by deleting the word "marshal" and by substituting instead the language "chief of police".

SECTION 7. Chapter 211 of the Private Acts of 1917, as amended, is further amended in Section 5 by adding a new paragraph thereto, as follows:

The Board of Mayor and Aldermen shall administer all departments of the City. The board shall have the authority to establish, organize, combine and abolish departments and make rules and regulations for their operation, and to appoint heads of departments and subordinate employees. Except as otherwise provided in this charter with respect to the recorder-treasurer and the chief of police, all department heads and employees of the city shall serve at the will of the board. In addition, the authority to hire, promote, demote, suspend and take any and all other personnel action against department heads and employees shall rest in the board. The officers and employees of the city shall be paid such compensation as prescribed by the board

SECTION 8. Chapter 211 of the Private Acts of 1917, as amended, is further amended in Section 15 by deleting the words "town Marshal" and by substituting instead the language "chief of police".

SECTION 9. Chapter 211 of the Private Acts of 1917, as amended, is further amended by deleting Section 16 in its entirety and by substituting instead the following new section:

Section 16. Be it further enacted, that the mayor shall be the chief executive officer of the town. He shall have the general duty to see that all officers and employees of the town honestly, faithfully and conscientiously discharge their respective duties, and may bring to the attention of the board any deficiencies on the part of such officers and employees in discharging their duties. He shall be the presiding officer of the Board of Mayor and Aldermen. One (1) member of the board shall by the board be elected Mayor Pro-Tem, who shall preside and discharge all the duties of mayor during the absence or incompetency of the mayor. The mayor shall make periodic reports to the board on the financial condition of the town and on any deficiencies or inefficiencies in its operations.

SECTION 10. Chapter 211 of the Private Acts of 1917, as amended, is further amended in Section 17 by deleting in its entirety the first paragraph.

SECTION 11. Chapter 211 of the Private Acts of 1917, as amended, is further amended in Section 17 by deleting the second paragraph in its entirety and by substituting instead the following:

The Board of Mayor and Aldermen are authorized and empowered to employ any attorney or attorneys necessary to the safeguarding and protection of the interests of said Town of Oneida and to contract with them for their professional services, which shall be paid as any other expenses of said Town of Oneida. Any breach of their duty as herein provided shall render them liable for removal from office. The Recorder and Treasurer of said town shall keep a correct minute of all the transactions of said Board of Mayor and Aldermen, shall transcribe the same upon any appropriate journal for that purpose, keeping the actual date of each transaction as it occurs and as provided by resolution of said Board, and shall do all other duties, clerical and otherwise, as may be imposed upon him by resolution of said Board of Mayor and Aldermen. In addition, he

will collect all taxes of every kind and character due the said Town of Oneida, and shall keep a correct record thereof, showing the date paid, the amounts, and by whom paid, and shall perform such other duties incident thereto as may be fixed by resolution of said Board of Mayor and Aldermen. When ad valorem taxes become delinquent, a certified list of the same shall be made out by him and turned over to the chief of police of said town for collection, as other delinquent taxes.

SECTION 12. Chapter 211 of the Private Acts of 1917, as amended, is further amended in Section 17 by deleting in its entirety the sixth paragraph, which begins: "Said recorder and treasurer shall have and exercise all of the powers of a Justice of the Peace."

SECTION 13. Chapter 211 of the Private Acts of 1917, as amended, is further amended in Section 17 by deleting in their entirety the seventh and eighth paragraphs that begin respectively: "The said town Marshal," and "In the event it becomes necessary..." and substituting the following new paragraph:

The police chief of the Town of Oneida shall be the chief law enforcement officer of the town. He shall be responsible for the enforcement of municipal ordinances prescribing a penalty and state and federal law within the city, and shall be in charge of the city jail. The chief of police shall be assisted by a police department consisting of such number of police officers as the Board of Mayor and Aldermen shall authorize and hire, who shall be under the supervision of the police chief. Both the police chief and town's police officers shall be clothed with the authority to investigate crimes and civil violations, to make arrests, and to perform all other duties expected of law enforcement officers prescribed by the Board of Mayor and Aldermen and the chief of police.

SECTION 14. Chapter 211 of the Private Acts of 1917, as amended, is further amended in Section 18 by deleting the words "Marshal" or "town Marshal" wherever they may be found and by substituting instead the words "chief of police".

SECTION 15. Chapter 211 of the Private Acts of 1917, as amended, is further amended by deleting Section 22 in its entirety and by renumbering Sections 23 and 24 as Section 22 and Section 23, respectively.

SECTION 16. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Oneida. Its approval or nonapproval shall be proclaimed by the presiding officer of the board of mayor and aldermen and certified to the Secretary of State.

SECTION 17. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 16.

AN ACT to amend the charter of the City of Oneida, being by Chapter 562 of the Private Acts of 1923, as amended by Chapter 148 of the Private Acts of 1925, as amended by Chapter 691 of the Private Acts of 1951, as amended by Chapter 163 of the Private Acts of 1955, as amended by Chapter 110 of the Private Acts of 1973, as amended by Chapters 161 and 172 of the Private Acts of 1981, as amended by Chapters 87 and 88 of the Private Acts of 1983, as amended by Chapter 54 of the Private Acts of 1985, as amended by Chapter 150 of the Private Acts of 1986, as amended by Chapter 176 of the Private Acts of 1990, as amended by Chapter 56 of the Private Acts of 1993, and all other acts amendatory thereto, relative to the election, powers and duties of the corporate officers of the City of Oneida.

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